

1FW 1621



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yin, et al.

Serial No. 10/549,425

Filed: September 15, 2005

For: PROCESS FOR THE PREPARATION OF CHIRAL  
BETA AMINO ACID DERIVATIVES BY ASYMMETRIC  
HYDROGENATIONArt Unit: 1621

Examiner: \_\_\_\_\_

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By Pamela Spalding Date 2-20-08

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Philippe L. Durette

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 35,125

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Date: February 20, 2008



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE AS  
DESIGNATED/ELECTED OFFICE

Applicants: Yi Xiao, et al.

Int. Appln. No: PCT/US2004/007793

Int. Filing Date: 15 March 2004

US Appln. No.: 10/549,425 Case No.: 21178YP

Filed: September 15, 2005

For: PROCESS FOR THE PREPARATION OF CHIRAL  
BETA AMINO ACID DERIVATIVES BY  
ASYMMETRIC HYDROGENATION

Art Unit: 1621

Examiner:  
L. Nagubandi

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT ACCOMPANYING INFORMATION  
DISCLOSURE STATEMENT

Sir:


The Applicants wish to bring to the Examiner's attention related copending application U.S.S.N. 11/547,183.

Int. Appln. No.: PCT/US04/007793  
US Appln. No.: To Be Assigned  
US Filing Date: Concurrently  
Case No.: 21178YP  
Page No.: 2

REMARKS

Applicants respectfully contend that this application is allowable and a favorable response from the Examiner is solicited.

Respectfully submitted,

By   
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Date: February 20, 2008

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MERCK & CO., INC.

By Roneta Spalding Date 2-20-08